

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILFORD McFIELD,	)	
	)	
Petitioner	)	Civil Action
	)	No. 06-CV-01078
vs.	)	
	)	
	)	
SUPERINTENDENT PIAZZA,	)	
DISTRICT ATTORNEY OF THE COUNTY	)	
OF PHILADELPHIA, and	)	
ATTORNEY GENERAL OF THE STATE	)	
OF PENNSYLVANIA,	)	
	)	
Respondents	)	

O R D E R

NOW, this 17th day of April, 2008, upon consideration of the Petition for Writ of Habeas Corpus filed March 13, 2006 by petitioner pro se; upon consideration of the Response to Petition for Writ of Habeas Corpus filed February 9, 2007 by respondents; upon consideration of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice filed February 13, 2007; it appearing that as of the date of this Order, petitioner has not filed any objections to the Report and Recommendation of Magistrate Judge Rice; it further appearing after review of this matter that Magistrate Judge Rice's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Rice's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed without prejudice for petitioner to file a petition after exhausting all means of available state-court relief.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge